SINGLE BENCH CF RS 1007

(4) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (S) NO. 1049 OF 2007

PETITIONER

P.R. No. 1337/07 Presented by Shri Rathaul dated 14-09-2007

Smt. Usha Bai Banjare W/o Sitaram Banjare, aged about 30 years, R/o village Pandatarai, Janapad Panchayat Pandariya, District **KABIRDHAM** C.G

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through The Secretary Womean and Child Development Department, DKS Bhawan Raipur, C.G.

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2. The Collector, Kabirdham, District Kabirdham C.G.

3. The Additional Collector, Kabirdham, District Kabirdham C.G.

4. Project Officer, Integrated Woman and Child DevelopmentDepartment, Pandariya, District Kabirdham C.G.

5. Janapad Panchayat Kabirdham, Through Chief Executive Officer, Janapad

(5) (2)

Panchayat Pandariya, Distt. Kabirdham C.G.

6. Gram Panchayat Pandatarai through the Secretary, Gram Panchayat Pandatarai, Janapad Panchayat Pandariya, District Kabirdham C.G

7. Smt. Rukhmani Bai W/o Vinod Gandharva, aged about 20 years, R/o_Gram Panchayat Pandatarai, Janapad Panchayat Pandariya, District Kabirdham C.G

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUE OF APPROPRIATE WRIT/ORDER/DIRECTION IN THE NATURE OF CERTIORAI/MANDAMUS ETC.

(98)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1049 of 2007

Petitioner — Smt. Usha Bai Banjare

Versus

Respondents — State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Rakesh Pandey, Advocate for the petitioner.
Ms. Ajay Dwivedi, Panel Lawyer for the State.

O R D E R

(Passed on 23rd Day of February, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioner submits that the required condition for appointment of the Aanganbadi Worker is that the candidates should be named in the voter list. Secondly, a finding to the effect that the respondent No. 7 is a deserted lady is not based on facts and contrary affidavits have been filed.

2. On reading of the order dated 28-12-2006 (Annexure P-9) passed by the Additional Collector, Kabirdham, it appears that the Additional Collector has not considered the allegation of the petitioner to the extent that the name of the respondent No. 7 was not in the voter list, as required under the Aanganbadi Scheme. The other grounds that the respondent No. 7 was not a deserted lady has also not been considered and there are contrary affidavits. Thus, the findings of the Additional Collector, Kabirdham is perverse, in view of the facts that the Additional Collector has not considered all the allegations before recording the finding in favour of the respondent No. 7.

3. Learned counsel appearing for the State/respondents agrees with the submissions made by the learned counsel for the petitioner.

4. The order dated 28-12-2006 (Annexure P-9) passed by the Additional Collector, Kabirdham is set-aside and the matter is remitted back to the Additional Collector, Kabirdham for considering the allegations made by the petitioner, after giving due notice to both the parties and to take a fresh decision in accordance with the Aanganbadi Scheme and law.

5. Thus, the writ petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash